

Surface Transportation Board, DOT

§ 1070.1

filing. If DOT has not petitioned to intervene, its subsequent participation may be authorized at the Commission's discretion.

(b) This rule does not alter DOT's right to file a formal complaint with the Commission or to petition the Commission to institute on its own motion a formal investigation proceeding regarding a regulated carrier's practices.

**§ 1067.3 Effect of adverse fitness finding on subsequent application.**

An administratively final adverse fitness determination is not necessarily fatal to a subsequent application, which shall be considered on the same basis as that of any applicant not found unfit. Prior adverse findings may be officially noticed and may be found to bear on applicant's fitness.

**PARTS 1070–1079—WATER  
CARRIERS—GENERAL**

**PART 1070—HARBORS**

AUTHORITY: 49 U.S.C. 10541, 10543, 10544, and 10929.

**§ 1070.1 Harbor limits.**

The following harbors, within which transportation in interstate commerce by water is not part of a continuous through movement under common control, management, or arrangement to or from a place outside the limits, are exempt from regulation under 49 U.S.C. 10544(a):

(a) *New York, NY.* The waters within the area over which the Port of New York Authority has jurisdiction as shown by the heavy black line in the following map: